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Chair:	Mr. Dempsey (Vice-Chair)	(Canada)
later:	Mr. Mohamed (Vice-Chair)	(Guyana)
later:	Mr. Dempsey (Vice-Chair)	(Canada)

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In the absence of Mr. Hilale (Morocco), Mr. Dempsey (Canada), Vice-Chair, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 68: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/70/L.28/Rev.1)

Draft resolution A/C.3/70/L.28/Rev.1: Rights of the child

1. **Ms. Boissiere** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM took pride in sponsoring the draft resolution, which contained important provisions to promote and protect the rights of the child. CARICOM would continue to engage constructively with all relevant stakeholders to ensure that due attention was given to that issue.

2. **Ms. Zahir** (Maldives) said that the Convention on the Rights of the Child must remain the cornerstone of all efforts to protect children. Although her delegation fully endorsed the spirit of the draft resolution, some of its elements were incompatible with the legislation of the Maldives. She therefore wished to withdraw its sponsorship of the draft resolution. Her delegation would nonetheless join the consensus and vote in favour of the draft resolution if necessary.

3. **The Chair** said that a recorded vote had been requested by the delegation of Yemen on the raft resolution.

4. **Mr. Al-Qumim** (Yemen), also speaking on behalf of the delegations of Mauritania Oman, Saudi Arabia and the Syrian Arab Republic, said that, although those delegations had engaged constructively in all stages of the informal consultations on draft resolution A/C.3/70/L.28/Rev.1, their concerns regarding paragraph 49 (u) of the text had been disregarded and the proposed amendments to address those concerns, put forward by countries from the Group of African States and certain Arab States, had been rejected. The Yemeni delegation therefore had no choice but to request a recorded vote on the draft resolution as a whole. He emphasized that Yemen remained committed to upholding the Convention on the Rights of the Child and the Universal Declaration of Human Rights and urged the sponsors to ensure that all future draft resolutions on the promotion and protection of the rights of children could be adopted by consensus.

5. **Ms. Lucas** (Luxembourg), speaking on behalf of the European Union and the Group of Latin American and Caribbean States, said that it was deeply regrettable that a vote had been called on the draft resolution as a whole. The draft resolution was about so much more than any single paragraph or issue: it was about respecting, protecting and promoting the rights of all children, eradicating all forms of violence perpetrated against them in all settings and ensuring that all children, including children with disabilities and indigenous children, enjoyed access to health care and high-quality, inclusive, equitable and comprehensive education, which was a key prerequisite for achieving sustainable development. The draft resolution was also about providing education to children in emergency situations and safeguarding education in situations of armed conflict. It was therefore difficult to understand how any delegation could not wholeheartedly support the draft resolution. Member States were urged in the strongest possible terms to vote in favour of its adoption. The world's children deserved no less.

6. **Mr. Konck** (Uruguay), also speaking on behalf of the Group of Latin American and Caribbean States, said that the Group deeply regretted the fact a vote had been called on a draft resolution that would benefit the poorest, most vulnerable and most disadvantaged members of society. The Group and the European Union had worked tirelessly to achieve a compromise text that incorporated the concerns of all delegations. The right of children to enjoy access to education in a secure environment was of vital importance to the entire world; such access would enable children to grow into adults who were effective and positive agents of change in their societies. He urged all Member States to vote in favour of the draft resolution.

7. **Ms. Smaila** (Nigeria) said that her delegation was alarmed by an increasing tendency among certain States to promote practices that threatened to undermine the foundations of societies by weakening families and destroying their customs, traditional values and religious beliefs. Her delegation disassociated itself completely from what constituted a divisive agenda being thrust upon Member States at every opportunity by certain interest groups. States must desist from promoting issues that undermined consensus on what was a crucially important matter.

Member States were responsible for maintaining the purity and sanctity of children and safeguarding their future by sustaining their innocence. Indeed, children were entitled to enjoy the freedom that stemmed from that innocence. States must not be compelled to adopt alien value systems.

8. **Ms. Abdelkawy** (Egypt) said that her country remained steadfast in its support for the Convention on the Rights of the Child. It was therefore most unfortunate that the Committee was compelled to vote on the draft resolution. That was the inevitable result, however, of the sponsors' attempt to impose their cultural and social norms on other States, in clear breach of the purposes and principles of the Charter of the United Nations and in utter disregard for the real-world needs of children, as set forth in the Convention on the Rights of the Child. They had refused to accept that, in a diverse world, respect must be accorded to the views and perspectives of all States.

9. The concepts contained paragraph 49 (u) of the draft resolution were neither universally acceptable nor reflected in any international human rights instrument that had been negotiated and adopted by consensus. Those concepts ran counter to the spirit and the letter of the Convention, which made no reference to age-appropriate sex education, and they threatened the innocence of children, negatively affected their psychological and physical balance and undermined the stability and integrity of societies. Those concepts should never be incorporated in a resolution on children, particularly one whose priority theme was children's education. The Egyptian delegation would therefore abstain in the vote on the draft resolution, and called on all other delegations to do likewise.

10. **Mr. Mack** (United States of America) said that his delegation would vote in favour of the draft resolution and encouraged other delegations to do so. Newspaper headlines about children fleeing Syria, Sudan, South Sudan, Yemen and other war-torn countries reminded the world of the importance of protecting the rights of children, which remained a priority of the United States Government, both at home and abroad.

11. As United States Secretary of State Kerry had noted, unless States invested in their children and opened the doors of knowledge to everyone, and unless the world rose above discrimination and intolerance and worked together, the people of the world would grow steadily poorer together. The United States had, inter alia, invested billions of dollars in early education initiatives, including through a national preschool development grants programme that was expanding access to high-quality preschool for children from low income families in communities with the greatest needs. As states and local authorities bore the primary responsibility for education in the United States, his country would address the goals of the draft resolution in line with current United States legislation and the federal Government's authority. The United States would, moreover, continue to abide by its applicable international legal obligations in that area.

12. The United States was striving to eliminate exploitative child labour and forced labour worldwide, including through its support of the International Labour Organization's International Programme on the Elimination of Child Labour. Not all work was harmful to children, however; many children helped their families at home, in family businesses or on farms, or took on jobs to learn useful work skills. His delegation understood that the draft resolution's call for an end to child labour by 2025 was not referring to such forms of work and had supported the present draft resolution, as well as those on the girl child and on programmes and policies involving youth, on the understanding that they did not imply that States must become parties to instruments to which they were not parties, or implement obligations contained in such instruments. Furthermore, the reaffirmation of prior documents applied only to those States that had initially affirmed them. The resolutions did not change or necessarily reflect the obligations of the United States or other States under treaty or customary international law, including international humanitarian law and with respect to the right to education; nor did the present draft resolution add content to that right. The United States also emphasized that reservations were an accepted part of treaty practice, except where prohibited by a treaty or when incompatible with that treaty's object and purpose.

13. **Mr. Clyne** (New Zealand), making a general statement and also speaking on behalf of Australia, Canada, Iceland, Japan, Liechtenstein, Norway and Switzerland, said that he deeply regretted that a vote had been called on the draft resolution as a whole. Member States had had two opportunities to vote on the paragraph in question and a majority decision had been taken in that regard. The continued refusal of certain States to

accept the will of the majority called into question their commitment to the rights of children and to the Convention on the Rights of the Child. He encouraged all delegations to vote in favour of the draft resolution, thereby reaffirming their commitment to protecting, respecting and promoting the rights of children.

14. **Ms. Glick** (Israel) said that, as in previous years, her country's delegation had taken an active part in the negotiations on the draft resolution and would vote in favour of its adoption. Israel remained committed to protecting all children from threats to their human rights, physical integrity and development. The politicization of the draft resolution was deeply regrettable, as was the fact that key concerns raised by the Israeli delegation had neither been accorded adequate attention by the facilitators, nor addressed fully in the draft resolution's final text. Israel hoped that future negotiations would yield a more productive and balanced resolution.

15. **Mr. Elbahi** (Sudan) said that his country was strongly committed to promoting and protecting the rights of children and, to that end, had recently reformed its juvenile justice system to bring it into line with the Sudan's obligations under the Convention on the Rights of the Child and its two Optional Protocols. The Convention made no reference whatsoever to the issues raised in paragraph 49 (u) of the draft resolution, which ran counter to the cultural and religious characteristics of many States. The Sudanese delegation underscored its categorical rejection of that paragraph and also disassociated itself completely from paragraph 33, which made reference to the International Criminal Court. In view of its serious ongoing concerns about the text of the draft resolution, Sudan would abstain from voting on it as a whole. His delegation was also concerned by disrespectful and sarcastic comments made about his country by the representative of the United States of America and stressed that disagreements among delegations should be addressed through constructive dialogue.

16. **Mr. Tebene** (Gambia) said that his delegation was dismayed that certain States had undermined the traditional consensus on the draft resolution by insisting on the inclusion of paragraph 49 (u). While underlining Gambia's firm support for the rights of the child, he emphasized that the paragraph in question was unacceptable to his country's delegation, which would therefore abstain in the vote on the draft resolution as a whole and called on other States to do likewise.

17. **Mr. Tessema** (Ethiopia) said that it was most regrettable that, due to the main sponsors' failure to devote adequate time to address the concerns of the Ethiopian and other delegations, particularly with regard to paragraph 49 (u), the Committee was compelled to vote on the draft resolution. The aforementioned paragraph was unacceptable to his delegation, which would therefore abstain in the vote on the draft resolution.

18. **Ms. Byaje** (Rwanda) said that, with a view to preserving consensus among the Group of African States, her delegation wished to withdraw its sponsorship of the draft resolution. Although the Rwandan delegation categorically rejected paragraph 49 (u), it would, nonetheless, vote in favour of the draft resolution, which was of crucial importance to her country.

19. *A recorded vote was taken on draft resolution A/C.3/70/L.28/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cabo Verde, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Serbia, Singapore, Slovakia, Slovenia. South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan,

Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam.

Against:

None.

Abstaining:

Algeria, Angola, Bahrain, Botswana, Burkina Faso, Cameroon, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Iraq, Kazakhstan, Kenya, Kuwait, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Oman, Qatar, Saudi Arabia, Senegal, South Sudan, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen, Zimbabwe.

20. *Draft resolution A/C.3/70/L.28/Rev.1 was adopted by 128 votes to none, with 44 abstentions.*

21. **Mr. Khan** (Pakistan) said that although his delegation had voted in favour of the draft resolution, it had serious reservations concerning paragraph 49 (u). His delegation disassociated itself completely from that paragraph and would reconsider its position on the draft resolution as a whole if the disagreements concerning that paragraph remained unresolved.

22. **Ms. Vadiati** (Islamic Republic of Iran) said that although her delegation had joined the consensus on the draft resolution it dissociated itself from paragraph 49 (u), which would not promote the rights or best interests of children and was clearly inconsistent with the obligations of Member States under the Convention on the Rights of the Child and the Programme of Action of the International Conference on Population and Development. It was most unfortunate that the main sponsors had rejected the amendments that had been proposed to bring the text of the draft resolution into line with the Programme of Action.

23. **Mr. Joshi** (India) said that children were the future of humanity and must be allowed to live in peace and security. The United Nations was not a forum that should be used to disseminate propaganda that enjoyed no legal support or universal consensus. The religious, social and cultural values of all Member States must be respected. Paragraph 49 (u) ran counter to the Convention on the Rights of the Child and undermined States' sovereign right to implement their human rights obligations in ways that respected their particular national contexts. Although the Indian delegation had voted in favour of the draft resolution, it disassociated itself from paragraph 49 (u). India remained committed to protecting the rights of all children.

24. **Ms. Mwangi** (Kenya) said that her country had consistently striven to uphold the Convention on the Rights of the Child, which Kenya had ratified in 1990, and had incorporated the principles enshrined in that Convention in her country's 2001 Children's Act. She therefore deeply regretted the fact that her delegation had been compelled to abstain from voting on the draft resolution because of the ambiguous wording of paragraph 49 (u), which was open to various interpretations, some of which were incompatible with her country's culture, laws and policies.

25. **Ms. Mozolina** (Russian Federation) said that, as her country had earlier supported both amendments to paragraph 49 (u), it was clear that the Russian vote in favour of the draft resolution was given in support of the rights of children rather than the text as prepared by the main sponsors.

26. Despite attaching particular importance to protecting the rights of the child and fully respecting international obligations in that area, the Russian Federation had not sponsored the draft resolution on the issue for several years. That was largely due to the unconstructive approach of the main sponsors, who again had not duly taken into account the concerns of delegations and had ignored the national and cultural specificities of States. Only through equitable and mutually respectful dialogue, taking various points of view into account, could wording be drafted that responded to the interests of all parties and succeeded in addressing the promotion and protection of the rights of children — an issue of importance to all States without exception.

27. The Russian Federation was also concerned by the organization of work on the draft resolution; in 2015, as in the past, agreement on the document with the involvement of all Member States had taken place at a late stage. The new text was therefore essentially based on the work of two groups of States. It was important to recall that the text submitted by the sponsors should be the product of all Member States

and should respect the views of all States. The sponsors should therefore adopt a more constructive and mutually respectful approach in the future.

28. **Ms. Shikongo** (Namibia) said that her delegation was disappointed that it had not been possible to adopt the draft resolution by consensus. The main sponsors could have demonstrated greater sensitivity by not insisting on the inclusion of divisive issues. Her delegation had reservations concerning paragraph 49 (u), as it was unclear how children would benefit from education on human sexuality and because Namibia had no capacity to provide such education to its children. Namibia had voted in favour of the amendment but had been compelled to abstain in the vote on the draft resolution.

29. **Ms. Ntaba** (Zimbabwe) said that her country's efforts to uphold the rights of children were a key part of its national development strategy. Her delegation was disappointed that the draft resolution had been put to a vote and believed that the main sponsors had failed to address the concerns expressed by many delegations in a sensitive manner.

30. Zimbabwe could not support paragraph 49 (u), as it was unclear what form of education on sexuality was being proposed or how such education would benefit children, and because the paragraph called for the modification of social and cultural patterns of conduct. Not all those patterns were negative or warranted condemnation, and the Convention on the Rights of the Child itself accorded every child the right to enjoy his or her own culture. Although Zimbabwe was committed to providing its children with a comprehensive education that included lessons on sex education, her delegation's reservations concerning paragraph 49 (u) had compelled it to vote in favour of the proposed amendments, had prevented it from joining the sponsors and had obliged it to abstain in the vote on the draft resolution. Zimbabwe sincerely hoped that Member States would, in future, refrain from using resolutions on the rights of the child as vehicles for the promotion of controversial issues.

31. **Mr. Babjee** (Singapore) said that his country had voted in favour of the draft resolution because it was firmly committed to promoting and protecting the rights of children. His delegation nonetheless expressed its reservations concerning paragraph 27, which reaffirmed paragraphs of General Assembly resolution 68/147, regarding which Singapore had previously expressed reservations. In future, the main sponsors of the resolution on the rights of the child should consider seriously the views and proposals of all delegations in a genuinely consultative negotiation process. That would ensure that future such resolutions enjoyed the universal support they deserved, rather than the support of only certain regional groups.

32. **Mr. Bessedik** (Algeria) said that his country had ratified most international human rights conventions, including the Convention on the Rights of the Child. Nevertheless, his delegation had been compelled to abstain in the vote on the draft resolution because it could not endorse paragraph 49 (u), which it utterly rejected. The Convention must remain the framework that guided all efforts to promote the rights of children. It was deeply regrettable that the key interests of children had not been taken seriously by certain States; instead, those States had focused on promoting controversial positions that did not enjoy broad international consensus. The Algerian delegation underscored that all relevant international conventions recognized the religious, cultural and social diversity of States. The responsibility for the failure to achieve consensus on the draft resolution lay with the States that had failed to uphold that principle in the negotiation process.

33. **Mr. Guelaye** (Mauritania) said that although his delegation had previously voted in favour of all resolutions on the promotion and protection of the rights of children, it had been compelled to abstain on the present draft resolution because paragraph 49 (u) ran counter to religious teachings and Mauritania's national legislation.

34. **Mr. Naseri** (Afghanistan) said that, although his delegation had voted in favour of the draft resolution, it wished to disassociate itself from paragraph 49 (u).

35. **Mr. Davis** (Jamaica) said the fact that a vote had been called for on the draft resolution suggested that the General Assembly was no longer united in its support for a number of the key issues that the draft resolution sought to address, including the mandate of the Special Representative of the Secretary-General on Violence against Children. The facilitators of the draft resolution had made every effort to incorporate the views and address the concerns of all Member States. Regrettably, however, a number of delegations had demonstrated little flexibility in the negotiations.

36. The Committee had adopted a balanced draft resolution. Nevertheless, Member States were entitled to interpret and implement General Assembly resolutions in accordance with their national priorities, domestic environments and legal obligations. Jamaica reaffirmed its commitment to the full realization, promotion and protection of the rights of the child and its determination to continue to engage in a collaborative and constructive manner with all Member States.

37. **Ms. Salim** (Libya) said that her delegation was fully cognizant of the importance of protecting the rights of children. Libya was striving to implement all provisions of the Convention on the Rights of the Child, and its legislation protected children from all forms of discrimination, including in the area of education. Nonetheless, her delegation had abstained in the vote on the draft resolution, which contained elements that did not enjoy international consensus. In particular, paragraph 49 (u) was incompatible with articles 28 and 29 of the Convention on the Rights of the Child, with her country's legislation and with the religious, cultural and social norms of Libyan society. Libya therefore disassociated itself fully from paragraph 49 (u). It was most regrettable that certain delegations continued to attempt to integrate concepts that did not enjoy consensus into draft resolutions. The diverse religious, social and cultural values of all Member States must be respected.

38. **Ms. Abdelkawy** (Egypt), speaking on behalf of the 53 African countries that had proposed the amendment to draft resolution A/C.3/70/L.28/Rev.1 at the 54th meeting (A/C.3/70/SR.54), said that those countries formally disassociated itself from paragraph 49 (u) and would not implement any measures related to it. The paragraph, whose language was similar to paragraph 48 (l) of General Assembly resolution 69/157, which they had also felt compelled to reject, ran counter to the spirit and the letter of the Convention on the Rights of the Child, which constituted the basis for all resolutions on the rights of the child. Specifically, the purposes of the education programmes referred to in the paragraph ran counter to the obligations of Member States pursuant to articles 28 and 29 of the Convention, which, moreover, made no reference to age-appropriate sexual education. Implementation of paragraph 49 (u) would undermine the innocence of children, badly affect their psychological and physiological balance and, consequently, could negatively affect the stability and integrity of societies.

39. The oral amendment proposed earlier by their countries had reflected their considerable flexibility and willingness to negotiate on an issue that Member States were not obliged to address. Regrettably, that amendment had been rejected, despite the fact that it used language identical to that of paragraph 6 of the girl child resolution, adopted by consensus on 19 November 2015. The amendment had been submitted as a matter of principle, rather than to block negotiations on the draft text. Indeed, their countries had been compelled to propose the amendment only because the facilitators had disregarded the concerns that they and other States had expressed about paragraph 49 (u) on several occasions during the informal consultations.

40. Lastly, she took the opportunity to express her gratitude to those delegations that had voted in favour of the proposed oral amendment. Such unequivocal support sent a strong message to the international community that the elements contained in paragraph 49 (u) were neither universally acceptable, nor were they reflected in any international human rights instrument that had been negotiated and adopted by consensus.

41. **Ms. Al-Temimi** (Qatar), speaking on behalf of the Cooperation Council for the Arab States of the Gulf, said that it was unfortunate that the sponsors of the draft resolution had not taken into consideration the concerns of the States members of the Council, who had therefore been obliged to abstain in the vote. Those States had adopted robust laws and comprehensive policies to ensure full respect for the rights of children, as enshrined in the Convention on the Rights of the Child, and by establishing mechanisms to combat all forms of violence perpetrated against them. Respect should have been accorded in the text of the draft resolution to the regional, historical, cultural and religious differences among States. Qatar would therefore implement the draft resolution only insofar as it did not undermine national sovereignty and in accordance with national laws and international human rights obligations.

42. **Monsignor Grech** (Observer for the Holy See) said that it was deeply regrettable that such an important resolution could not have been adopted by consensus. His delegation had engaged in the negotiations on the text of the draft resolution in a

constructive manner but would have appreciated further discussions and greater inclusivity in that process. Under the Convention on the Rights of Child, States parties were obliged to safeguard the rights of children, and should recognize the family's primary responsibility for protecting and nurturing the child. His delegation wished to express the Holy See's well-established reservations to the inclusion of reference to "health care and services", which must not be understood to include access to abortions or to abortifacients. Furthermore, by "gender", his delegation understood the term to mean the biological "male" and "female" sexual identities, and, with respect to education or information on human sexuality, his delegation reaffirmed the primary responsibility and rights of parents, including their right to freedom of religion in the education and upbringing of their children. Those rights were enshrined in several international instruments and must be respected. His delegation therefore maintained its reservations concerning the seventeenth preambular paragraph and paragraph 49 (u).

43. **The Chair** suggested that, in accordance with General Assembly resolution 55/488, the Committee should take note of the report of the Secretary General on the status of the Convention on the rights of the Child (A/70/315).

44. *It was so decided.*

Agenda item 28: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/70/L.14/Rev.1 and A/C.3/70/L.108)

Draft resolution A/C.3/70/L.14/Rev.1: Persons with Albinism

45. **The Chair** drew attention to the programme budget implications of draft resolution A/C.3/70/L.14/Rev.1 contained in document A/C.3/70/L.108.

46. **Mr. Manongi** (United Republic of Tanzania,) speaking on behalf of the sponsors, drew attention to two minor drafting changes in the first preambular paragraph of the text.

47. The draft resolution was the outcome of a lengthy and intense negotiation process and underscored the central role of Member States in upholding the rights of persons with albinism, including the rights to life, liberty and security of person, education, work, an adequate standard of living, and the enjoyment of the highest attainable standards of physical and mental health. Albinism was a grave public concern that required lifelong management. For example, persons with albinism were many thousands of times more likely to develop skin cancer compared with the general population. Chronic sun exposure was particularly detrimental — a difficult challenge, particularly in regions where daily temperature could exceed 35 degrees Celsius. Sun exposure could cause blistering of the skin, making it difficult for children with albinism to attend school and impeding adults with albinism from carrying out their daily activities.

48. Very few countries had developed health and social policies to assist persons with albinism, who were a particularly vulnerable and at-risk group. It was, however, crucial that States took specific measures to address the challenges they faced. The adoption of the draft resolution should further States' efforts in that regard. He urged the Committee to adopt the draft resolution by consensus.

49. **Mr. Khane** (Secretary of the Committee) said that Angola, Botswana, Burkina Faso, the Congo, Honduras, Indonesia, Italy, Lesotho, Mali, the Republic of Korea, Rwanda, South Sudan, the Sudan, Swaziland, Tunisia, Turkey, Uganda, Uruguay and Zimbabwe had joined the list of sponsors of the draft resolution.

50. *Draft resolution A/C.3/70/L.14/Rev.1, as orally revised, was adopted.*

51. **Ms. Brooke** (United States of America) said that existing international instruments, including the Convention on the Rights of Persons with Disabilities, were highly relevant in efforts to combat stigma and violence against persons with albinism. Future discussions on how to address the various social and developmental challenges they faced could be greatly informed by examining the root causes of discrimination against persons with disabilities. States must take effective measures to protect the human rights and fundamental freedoms of all persons with disabilities, including persons with albinism. The United States had joined the consensus on the draft resolution on the understanding that it did not imply that States must become parties to instruments to

which they were not parties, nor did it imply obligations under those instruments.

52. **Ms. Pritchard** (Canada), also speaking on behalf of Iceland and Switzerland, said that further action was clearly needed to combat discrimination against persons with albinism. With regard to paragraph 2 of the draft resolution, the Independent Expert on the enjoyment of human rights by persons with albinism was best placed to review the challenges impeding such enjoyment. Canada therefore trusted that the report requested of the Secretary-General would draw heavily upon the research of the Independent Expert and take full advantage of her expertise in that area. Doing so would, moreover, promote coordination among relevant stakeholders with a view to addressing that crucial issue.

53. **Ms. Kuroda** (Japan) said that her country was concerned that paragraph 2 of the draft resolution called for the Secretary-General to submit a report to the General Assembly on practically the same issues to be covered in the report of the Independent Expert on the enjoyment of human rights by persons with albinism. The request for a new report could have been avoided by making better use of existing resources and mechanisms. Japan would support further coordination between the Secretary-General and the Independent Expert in order to address the situation of persons with albinism in an effective and holistic manner.

54. **Ms. Lucas** (Luxembourg), speaking on behalf of the States members of the European Union, expressed grave concern about attacks against persons with albinism and the treatment meted out to them. Persons with albinism were disproportionately affected by poverty due to the discrimination and marginalization they faced in different parts of the world. The European Union welcomed the proclamation of 13 June as International Albinism Awareness Day and the appointment by the Human Rights Council of the Independent Expert on the enjoyment of human rights by persons with albinism.

55. Reporting on the social development challenges experienced by persons with albinism would be done most effectively by the Independent Expert within the framework of one of her future reports to the General Assembly, in accordance with her existing mandate. The European Union urged caution over duplicating reporting streams on albinism and reiterated its concerns about the draft resolution's programme budget implications.

56. **Mr. Manongi** (United Republic of Tanzania) said that the draft resolution had established a mandate for the Secretary-General, who must provide a report as required. In order to formulate his report, the Secretary-General could use any resources available, which included reaching out to the Independent Expert on the enjoyment of human rights by persons with albinism.

57. **The Chair** suggested that the Committee, in accordance with the annex to General Assembly decision 55/488, should take note of the report of the Secretary-General on the implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (A/70/173), the report of the Secretary-General on the celebration of the twentieth anniversary of the International Year of the Family in 2014 (A/70/61-E/2015/3), the report of the Secretary-General on ways to promote effective structured and sustainable youth participation (A/70/156) and the report of the Secretary-General on the follow-up to the International Year of Older Persons: Second World Assembly on Ageing (A/70/185).

58. *It was so decided.*

Agenda item 69: Rights of indigenous peoples (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/C.3/70/L.26/Rev.1 and A/C.3/70/L.109)

Draft resolution A/C.3/70/L.26/Rev.1: Rights of indigenous peoples

59. **The Chair** drew attention to the statement of programme budget implications contained in document A/C.3/70/L.109.

60. **Ms. Sabja** (Plurinational State of Bolivia), speaking also on behalf of Ecuador and the other sponsors, said that the text of the draft resolution was balanced and reflected the concerns of delegations. Member States and indigenous peoples themselves must make efforts to ensure full implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

61. **Mr. Khane** (Secretary of the Committee) said that Australia, Austria, Chile, the Congo, Costa Rica,

Cyprus, El Salvador, Estonia, Germany, Guyana, Hungary, Iceland, Ireland, Italy, Liberia, Lithuania, Malaysia, Mexico, Norway, Panama, Peru, Poland, Slovenia, Spain, Sweden, Ukraine and the United States of America had joined the sponsors.

62. *Draft resolution A/C.3/70/L.26/Rev.1 was adopted.*

63. **Mr. Koita** (Mali) said that his country had joined the consensus on the draft resolution and respected its international human rights obligations, including those relating to indigenous peoples, even though there were no indigenous peoples in Mali. During Mali's presentation of its report under the universal periodic review, the Human Rights Council had recognized on two occasions that there was no discrimination between the various elements of Malian society. He stressed that the notion of indigenous peoples should not be debased for irredentist purposes contrary to the Charter of the United Nations, which was underpinned by the sovereignty and territorial integrity of Member States.

64. **Ms. Lucas** (Luxembourg), speaking on behalf of the States members of the European Union, was pleased to join the consensus but regretted that the Secretariat had only confirmed the previous day that the draft resolution had programme budgetary implications. In that context and particularly given the prolonged discussions preceding the draft resolution's adoption, she underlined the importance attached by the European Union to full compliance with rule 153 of the rules of procedure of the General Assembly. In that regard, she emphasized the need to receive, in a timely manner, full and comprehensive information on the possible budgetary implications of any proposed draft resolution under discussion. The adoption of the draft resolution was therefore without prejudice to the discussions in the Fifth Committee on the estimates presented.

65. **Ms. Bell** (United Kingdom) said that her Government was fully committed to promoting and protecting human rights for all individuals, including indigenous peoples, without discrimination on any grounds. It continued to work overseas and through multilateral institutions to improve the situation of indigenous people internationally, and would continue to provide political and financial support to the economic, social and political development of indigenous peoples around the world.

66. Human rights applied equally to all persons, and some groups in society should not benefit from human rights that were not available to others. With the exception of the right to self-determination, her delegation did not accept the concept of collective human rights in international law; allowing the rights of a group to supersede the rights of individuals risked leaving some unprotected. However, her delegation recognized the fact that the Governments of many States with indigenous populations had granted them various collective rights in their constitutions, national laws and agreements. It therefore understood any internationally agreed reference to the rights of indigenous peoples, including those in the United Nations Declaration on the Rights of Indigenous Peoples, to refer to those rights bestowed at the national level.

67. It was disappointing and frustrating that the programme budget implications for the draft resolution had once again only been presented at the last moment. Increased transparency regarding budgetary figures should be provided during the negotiation process, not shortly before adoption.

68. Lastly, independent of the content of the statement of programme budget implications contained in document A/C.3/70/L.109, the adoption of the draft resolution did not prejudge the discussion within the Fifth Committee of the Secretary-General's proposed programme budget for the 2016-2017 biennium.

69. **Ms. Kuroda** (Japan) welcomed the adoption of the important draft resolution by consensus. However, given the financial constraints faced by Member States and the need to use limited resources effectively, it was regrettable that delegations had only been informed about additional programme budget implications shortly before adoption. As a result, there had been insufficient time to examine those implications. Her delegation therefore asked the main sponsors of draft resolutions and the Secretariat to continue making every efforts to solve or minimize that issue within existing resources.

70. **Ms. Sell** (France), speaking also on behalf of Bulgaria, Romania and Slovakia, said that human rights were universal and that indigenous people must be able to enjoy the same human rights and freedoms as all other individuals without distinction. Their delegations did not recognize the collective rights of any group, as defined by community of origin, culture, language or belief. Accordingly, they could not endorse the references to collective rights in the draft resolution; a reference to the rights of indigenous

people would have been preferable. However, their delegations remained committed, at the national and international levels, to ensuring that indigenous peoples could fully and effectively enjoy their human rights without discrimination.

71. **Ms. Maduhu** (United Republic of Tanzania) said that her country had long-standing reservations over claims that there were indigenous communities within its jurisdiction. However, to address post-colonial inherent imbalances, the Government had invested heavily in providing social amenities and in the economic empowerment and political participation of all communities, including minority groups. Her Government reaffirmed its commitment to supporting development initiatives that addressed the needs of minority groups, given that sustainable development could be achieved with the effective participation of minority communities in matters affecting them directly or indirectly.

72. **Mr. Clyne** (New Zealand), speaking also on behalf of Australia, Brazil, Denmark, Guatemala, Mexico, Nicaragua and Norway, said that the text of the draft resolution provided a balanced outcome which helpfully addressed the rights of indigenous peoples. Through paragraph 19, the draft resolution advanced the commitments made during the World Conference on Indigenous Peoples in 2014 relating to the participation of indigenous peoples within the United Nations, for which a clear process and timeline was laid out. Lastly, programme budget implications should not distract from the draft resolution's achievements.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/70/L.20/Rev.1, A/C.3/70/L.36/Rev.1, A/C.3/70/L.37/Rev.1, A/C.3/70/L.50/Rev.1 and A/C.3/70/L.55/Rev.1)

Draft resolution A/C.3/70/L.20/Rev.1: Protection of migrants

73. **The Chair** said that the draft resolution contained no programme budget implications.

74. **Mr. de la Mora Salcedo** (Mexico), introducing the draft resolution, said that its text emphasized the protection of migrants in transit, bringing a complementary approach to the latest Human Rights Council resolution on the same issue. Language referring to migrants as agents of development had been updated in accordance with the 2030 Agenda for Sustainable Development, highlighting the benefits brought by migrants to their societies of destination and origin. The draft resolution also reaffirmed that all Member States should recognize that migration was a multidimensional reality which should be addressed primarily from a human rights perspective. It was therefore imperative to adopt measures that not only maintained existing standards of protection, but also bolstered them.

75. Following the suggestion of the Chair of the Third Committee and the President of the Human Rights Council, the text of the draft resolution proposed that the human rights of migrants would be considered by the General Assembly on a biennial basis, and that the Human Rights Council would adopt a thematic resolution on the protection of migrants on a biennial basis. That would strengthen dialogue between New York and Geneva on the issue.

76. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, Colombia, Costa Rica, Cyprus, Ecuador, Egypt, Ghana, Guinea, Guinea-Bissau, Haiti, Indonesia, Italy, Lesotho, Mali, Nicaragua, Panama, Peru, the Philippines, Portugal, Senegal, Tajikistan, Turkey, Uruguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

77. *Draft resolution A/C.3/70/L.20/Rev.1 was adopted.*

78. **Ms. Brooke** (United States of America) said that her Government promoted policies protecting the human rights of migrants, and prosecuted crimes against migrants. The United States also provided protection and assistance to victims of human trafficking and encouraged international cooperation on efforts to ensure safe, legal and orderly migration.

79. The United States fulfilled its international obligations to promote and protect the human rights of migrants by providing such protections under its Constitution and other domestic laws to all individuals within its territory, regardless of their immigration status. All States had the sovereign rights to control admission to their territory and to regulate the admission and expulsion of foreign nationals.

80. The draft resolution sought to find common ground among States to advance the protection of the human rights of migrants globally; it should not be side-tracked by an undue focus on bilateral issues. Referencing a bilateral legal matter, such as the case cited in the ninth preambular paragraph, was highly inappropriate and did not promote constructive cooperation towards that goal.

81. States should combat the distinct crimes of human smuggling and trafficking in persons, work proactively to identify victims of human trafficking and provide them with assistance and protection services.

82. Lastly, paragraph 3 (a) of the draft resolution was intended to urge States to take measures to prevent violent hate crimes or other acts of hostility against migrants. It could not be misinterpreted to support the punishment or restriction of speech or other acts protected as freedom of expression under international law.

Draft resolution A/C.3/70/L.36/Rev.1: The right to food

83. **The Chair** said that the draft resolution contained no programme budget implications.

84. **Ms. Moreno Guerra** (Cuba) introduced the draft resolution, which she hoped would be adopted by consensus.

85. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Chile, the Congo, Costa Rica, Croatia, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Ireland, Italy, Jamaica, Japan, Latvia, Lesotho, Lithuania, Luxembourg, Malawi, Maldives, Malta, Mexico, Monaco, Montenegro, the Netherlands, Oman, Papua New Guinea, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Turkey and Ukraine had joined the sponsors.

86. *Draft resolution A/C.3/70/L.36/Rev.1 was adopted.*

87. **Ms. Brooke** (United States of America) said that maintaining a focus on global food security was critical to achieve the vision of a world free from hunger and that the United States had been the world's largest food aid donor for more than a decade. In joining the consensus on the draft resolution, her country had reiterated its commitment to reducing hunger and addressing poverty sustainably through a variety of approaches. Welcoming the link in the draft resolution between the empowerment of women and the progressive realization of the right to adequate food in the context of national food security, she said that the United States had implemented a variety of initiatives that demonstrated its commitment to incorporating a gender equality perspective in efforts to address hunger and poverty.

88. Nevertheless, the draft resolution continued to employ outdated, inapplicable or otherwise inappropriate language. For example, trade and trade negotiations, which were the purview of the World Trade Organization (WTO) and its membership, were beyond the subject matter and expertise of the Third Committee and should not have been included.

89. Her delegation would not accept any reading of the draft resolution suggesting that the protection of intellectual property rights had a negative impact on food security. Similarly, the draft resolution would in no way undermine or modify commitments to existing trade agreements or the mandates of ongoing trade negotiations.

90. In addition, the draft resolution's language on donor nations and investors was imbalanced: the text should reflect a need for transparency, accountability, good governance and other elements critical to providing an environment conducive to investment in agriculture.

91. Furthermore, the reference in the text to a global food crisis was inaccurate as one currently did not exist. Using that term detracted attention from important and relevant challenges that contributed significantly to the recurring state of regional food security, including long-term conflicts, a lack of strong governing institutions and systems that deterred investment, none of which were mentioned in the draft resolution.

92. Another concern was the draft resolution's inclusion of unattributed statements of a technical or scientific nature, with which her delegation did not necessarily agree. Similarly, while the United States had taken ambitious international and domestic steps to address climate change, it disagreed with many of the

observations and recommendations in the interim report of the Special Rapporteur on the right to food.

93. In joining consensus on the draft resolution, her delegation did not recognize any change in the current state of conventional or customary international law regarding rights related to food. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights. Accordingly, the references in the draft resolution to the right to food were interpreted in the light of article 2, paragraph 1, of the Covenant, and references to the obligations of Member States regarding the right to food were applicable to the extent that they had already assumed such obligations.

94. The right to food should not be treated as an enforceable obligation and the United States did not concur with any reading of the draft resolution suggesting that States had particular extraterritorial obligations arising from the right to food.

95. Lastly, the United States interpreted the draft resolution's reaffirmation of prior documents, resolutions and related human rights mechanisms as applicable to the extent that countries had initially affirmed them.

96. **Ms. Pritchard** (Canada) wished to note that there was no established link between the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and the concepts of food security and the right to food. Those issues did not appear in the TRIPS Agreement. Her delegation therefore interpreted paragraph 33 of the draft resolution as encouraging WTO members to consider the manner in which they implemented the TRIPS Agreement. It did not suggest that Member States should make substantive interpretations of the TRIPS Agreement, nor did it instruct WTO members on how to implement the Agreement. There was nothing in the Agreement that prevented States from pursuing the objectives of the right to food and food security. Canada continued to support the progressive realization of the right to food as part of the right to an adequate standard of living.

Draft resolution A/C.3/70/L.37/Rev.1: The right to development

97. **The Chair** said that the draft resolution contained no programme budget implications.

98. **Mr. Khane** (Secretary of the Committee) recalled that the draft resolution had been orally revised at the time of its introduction at the 53rd meeting (A/C.3/70/SR.53).

99. **Ms. Vadiati** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that international financial crises, unilateral coercive measures, sanctions and violent extremism severely affected the economies of developing countries. A new global order was needed to reverse the disparities between rich and poor, both among and within countries, by promoting the eradication of poverty, full employment and social integration.

100. The Sustainable Development Goals could be realized only through a credible, effective and universal commitment by all stakeholders to the means of implementation. Peaceful, just and inclusive societies were needed that provided equal access to justice and were based on respect for human rights, including the right to development which should be central to implementation of the 2030 Agenda.

101. The thirtieth anniversary of the Declaration on the Right to Development presented a unique opportunity for the international community to demonstrate and reiterate its commitment to the right to development by giving it the high profile it deserved and redoubling support for its implementation. The draft resolution was therefore a genuine attempt to fulfil the Movement's aspirations for development and prosperity. It was regrettable that some countries had decided to request a recorded vote and in the future all Member States should work towards achieving real consensus.

102. **Mr. Khane** (Secretary of the Committee) said that the Democratic Republic of the Congo had joined the sponsors.

103. **The Chair** said that, at the request of the delegation of the United State of America, a recorded vote had been requested on the draft resolution.

104. **Ms. Brooke** (United States of America) said that, in its commitment to alleviating poverty, her country collaborated with developing countries, other donor countries, non-governmental organizations and the private sector to achieve sustainable economic growth, poverty reduction and the full range of development objectives named in the Sustainable Development Goals. There was a strong link between human rights

and development work. At a recent session of the Human Rights Council, the United States had sponsored a side event with the Group of Africa States on human rights and development perspectives. However, the United States had long-standing concerns about the concept of a right to development. There was no commonly agreed definition of such a right and any definition must be consistent with human rights. Furthermore, the right to development had been framed by some delegations in ways that would seek to protect States rather than individuals. States were responsible for implementing the human rights obligations they had assumed, regardless of external factors such as the availability of development and other assistance. Accordingly, and because of other concerns related to specific provisions in the text, the United States would vote against the draft resolution.

105. *A recorded vote was taken on draft resolution A/C.3/70/L.37/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Canada, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Japan, Latvia, Lithuania, Monaco, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, Ukraine.

106. *Draft resolution A/C.3/70/L.37.Rev.1, as orally revised at the 53rd meeting* (A/C.3/70/SR.53), *was adopted by 136 votes to 4, with 34 abstentions.*

107. **Ms. Pritchard** (Canada) said that her country had been actively involved in discussions on the right to development, including in the Working Group on the Right to Development, since the adoption of the Declaration on the Right to Development. However, Canada continued to have serious concerns about any consideration of a legally binding instrument on the right to development. It was better for the international community to develop and share best practices, and strengthen existing initiatives to create favourable conditions for individuals to realize their full development potential, rather than to create new legal obligations. Canada also disagreed with any implication that implementation of the 2030 Agenda entailed assistance on the right to development. For those reasons, her delegation had voted against the draft resolution.

108. **Mr. de la Mora** (Mexico) said that his delegation had voted in favour of the draft resolution as it was important to promote inclusive economic and social development and create favourable conditions for eradicating poverty. However, the text of the draft resolution should not refer to the need to create a convention on the right to development. The mandate of the Working Group on the Right to Development

was to elaborate the operational criteria of the right to development which would be used to create a set of standards on the enjoyment of that right. Those standards could take various forms, including guidelines. Any discussion of a possible instrument should be considered in the future once the standards had been established and through a collaborative process involving all interested parties. International cooperation was essential for the implementation of any such instrument.

109. **Ms. Lucas** (Luxembourg), speaking on behalf of the States members of the European Union, reaffirmed the importance of the right to development, based on the indivisibility and interdependence of all human rights, multidimensional development strategies and the role of individuals as the central subjects of the development process. The European Union was fully committed to a rights-based approach to development, encompassing all human rights, including the right to development.

110. The right to development required the full realization of civil and political rights, together with economic, social and cultural rights, and a mix of policies to create an enabling environment for individuals, involving a wide range of actors, at all levels. States had the primary responsibility for ensuring that the right to development was realized for their citizens.

111. Regarding the understanding of the right to development, fundamental differences remained on such issues as the role of indicators, the content of the right to development and its implications, and the appropriate instruments to realize that right. The European Union opposed the elaboration of an international legal standard of a binding nature, which was not the appropriate mechanism to realize the right to development.

112. Lastly, it was important that General Assembly resolutions accurately reflected the 2030 Agenda and avoided pre-empting existing processes in the follow-up and review of the Agenda. In that regard, the European Union looked forward to the recommendations of the Secretary-General on critical milestones towards coherent, efficient and inclusive follow-up and review at the global level. The new Agenda recognized the need to build peaceful, just and inclusive societies that provided equal access to justice and were based on respect for all human rights, including the right to development, on effective rule of law and good governance, and on transparent, effective and accountable institutions.

Draft resolution A/C.3/70/L.50/Rev.1: Measures to enhance the promotion and protection of the human rights and dignity of older persons

113. **The Chair** said that the draft resolution contained no programme budget implications.

114. **Mr. González Serafini** (Argentina), introducing the draft resolution, said that it was important to continue working towards full respect, protection and promotion of the human rights of older persons, ensuring their full participation in all areas of social life and demystifying stereotypes linked to discrimination, indifference, abuse and mistreatment.

115. The draft resolution had achieved a balance based on recognition of the need to promote and protect the full enjoyment of human rights by older persons around the world. The number of older persons was continually increasing and the text of the draft resolution referred to the challenges related to their full participation in social life; full and effective enjoyment of their civil, political, economic, social and cultural rights; and situations of violence, stigmatization, discrimination and abuse. The draft resolution would ensure the full promotion, protection and enjoyment of the human rights of older persons and their dignity by strengthening and implementing existing international instruments and analysing new measures and instruments which could improve the situation of older persons. Various regional and international instruments had already made positive contributions in that regard.

116. Lastly, there were several inconsistencies in the Spanish text of the draft resolution relating to the translation of language of the original English text. Those inconsistencies would be submitted to the Secretary at a later date.

117. **Mr. Khane** (Secretary of the Committee) said that Austria, Brazil, the Central African Republic, Colombia, Costa Rica, Croatia, Ecuador, Guatemala, Honduras, Indonesia, Israel, Liechtenstein, Malawi, Malaysia, Malta, Mexico, Morocco, Nepal, Panama, Peru, the Philippines, Slovenia, Turkey, the United States of America and Uruguay had joined the sponsors.

118. *Draft resolution A/C.3/70/L.50/Rev.1 was adopted.*

119. **Mr. Ueda** (Japan) said that his country had the highest proportion of older persons in the world and

had been doing its best to cope with the challenges of an ageing society. Promoting and protecting the human rights of older persons, regardless of their location, was one of Japan's highest priority issues. Japan hoped that a global consensus would emerge on how best to address the issue and had therefore been actively engaged in informal consultations. Japan would continue to work towards achieving the objectives of the Madrid International Plan of Action on Ageing, and would engage in discussions to explore alternative measures to improve the human rights of older persons and mainstream their human rights through existing mechanisms, policies and programmes.

120. **Mr. Logar** (Slovenia) said that ageing and the rights of older persons needed to be properly addressed within the framework of the United Nations. Slovenia remained constructively engaged on the issue not only domestically, but also internationally through efforts to further the rights of older persons. Such efforts included exploring a multilateral legal framework for the promotion and protection of the rights of older persons in order to address the existing gaps recognized by the draft resolution. For those reasons, his delegation had joined the list of sponsors of the draft resolution.

121. **Ms. Thorne** (United Kingdom) said that ageing was one of the greatest social and economic challenges of the twenty-first century. The United Kingdom was fully committed to ensuring respect for the human rights of older persons and, consequently, her delegation had participated in all six sessions of the Open-ended Working Group on Ageing. Her delegation supported coherent discussion within the United Nations on ageing and the proper use of established entities and instruments. In that context, it was pleased that the draft resolution acknowledged the various existing mechanisms and the need to strengthen them.

122. While the draft resolution encouraged Member States to present possible content for a multilateral legal instrument, not all States considered a new norm-setting process to be the best means of ensuring the human rights of older persons. Since many of the relevant issues were comprehensively addressed by the existing international framework, including the International Covenant on Economic, Social and Cultural Rights, the Covenant on the Enjoyment of Rights and a Better Standard of Living for Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, the situation of older persons around the world would best be addressed through the full implementation of existing human rights standards.

123. **Ms. Kirianoff Crimmins** (Switzerland), speaking also on behalf of Australia and Canada, said that those delegations had sought to contribute constructively to the draft resolution, in recognition that the issues of ageing and the situation of older persons were being neglected in many countries. However, they had been unable to sponsor the draft resolution, since they did not believe that it set out the best approach to address the valid concerns it expressed. The existing protection gaps did not result from a normative gap but rather from a lack of due attention to the situation of older persons, an inadequate commitment to ensuring that those persons were able live dignified, active and fulfilled lives, the failure to properly inform them about their rights and avenues for redress, and shortcomings in the monitoring of the implementation of obligations.

124. Determined use of existing mechanisms could address the protection gaps and promote the full and equal enjoyment of all human rights and fundamental freedoms by older persons. Moreover, many protection gaps and measures to resolve them were already under consideration in the context of the Madrid Plan of Action. Further standard-setting could lead to back-tracking on existing standards and put additional pressure on the already overstretched international human rights architecture. The international community should consider what international action could be undertaken immediately to respond to current urgent needs and human rights violations. It should also work to ensure that existing human rights mechanisms were used for the genuine realization of all human rights.

125. **Mr. Nina** (Albania) said that the open, inclusive and flexible consultation process had revealed the divergence of views among Member States with regard to the best way to enhance the protection of the human rights and dignity of older persons. It had also demonstrated that the creation of any new legal instrument must be based on a global consensus. His delegation was of the view that the best way to proceed would be to ensure the implementation of the existing framework.

Draft resolution A/C.3/70/L.55/Rev.1: The human rights to safe drinking water and sanitation

126. **The Chair** said that the draft resolution contained no programme budget implications.

127. **Mr. Braun** (Germany), speaking also on behalf of Spain, said that paragraph 9 of the text should be revised by inserting the word "and" between the words "individually" and "through".

128. The amused reactions of the public to the oversized inflatable toilet that had been placed outside the United Nations Headquarters to mark World Toilet Day on 19 November 2015 were evidence that the serious issue of inadequate sanitation was not being given sufficient attention: no one found World Water Day humorous. In that context, it was unsurprising that the Millennium Development Goal target on sanitation had been missed by 9 per cent, while the target on safe drinking water had been surpassed as early as 2010. To ensure that the right to sanitation was given due attention, it must be addressed separately from the right to safe drinking water. The Committee on Economic, Social and Cultural Rights, the current and former Special Rapporteurs on the human right to safe drinking water and sanitation as well as organizations on the ground had expressed clear support for such an approach. It should be noted that the separate treatment of those rights would not create any new obligations or procedures.

129. The draft resolution defined the rights to water and sanitation for the first time. The content of those definitions was based largely on work by the Human Rights Council. The text also included strong gender-specific components to reflect the fact that the lack of adequate and safely accessible sanitation facilities put women and girls at an increased risk of violence.

130. He concluded by reiterating that the adoption of the draft resolution would be an important step forward in the global recognition and implementation of the human rights to water and sanitation, and by calling for efforts to improve access to water and sanitation to be increased at all levels.

131. **Mr. Khane** (Secretary of the Committee) said that Algeria, Benin, Burundi, the Central African Republic, Costa Rica, Côte d'Ivoire, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Ghana, Guinea, Guinea-Bissau, Honduras, Iceland, Lesotho, Libya, Liechtenstein, Madagascar, Malawi, Maldives, Mali, Mauritius, Micronesia (Federated States of), Namibia, Nicaragua, Oman, Papua New Guinea, Qatar, the Republic of Korea, the Republic of Moldova, San Marino, Singapore, Solomon Islands, South Sudan, Tajikistan, Thailand, Togo, Tunisia, Uganda, the United Arab Emirates and Uruguay had joined the sponsors of the draft resolution.

132. *Mr. Mohamed (Guyana), Vice-Chair, took the Chair.*

133. **Ms. Bhengu** (South Africa) said that her Government was firmly committed to ensuring the right to water and sanitation. However, her delegation was not able to sponsor the draft resolution, as it had in the past, because the new language did not adequately take into account the needs and aspirations of developing countries, whose sanitation and water needs were intrinsically linked.

134. The continued attempts to impose on development a human rights-based approach also gave cause for concern. Her delegation urged the sponsors to avoid resorting to notions that had not been negotiated at the intergovernmental level and that were open to interpretation, including the use of human rights as a condition for development cooperation. It was regrettable that the draft resolution failed to take into account the principle that the right to development involved a process through which all human rights and fundamental freedoms were progressively realized. Similarly, fundamental human rights principles such as non-discrimination, equality, equity, inclusion, transparency, participation, accountability and international cooperation were notably missing from the text. She hoped that in future the sponsors would participate in comprehensive consultations with a view to accommodating the relevant concerns of other delegations.

135. *Draft resolution A/C.3/70/L.55/Rev.1, as orally revised, was adopted.*

136. **Mr. Joshi** (India) said that the text of the draft resolution departed from the well-established understanding that the right to safe drinking water and sanitation was a single right, as established in General Assembly resolution 64/292. Contrary to the assertions of the main sponsors, the consideration of the rights to safe drinking water and sanitation as separate rights would undoubtedly have legal implications and create new obligations. His delegation had reservations in that regard, but hoped that the treatment of sanitation as a separate right would not undermine the widely

recognized fact that safe drinking water and sanitation were inextricably linked in both functional and normative terms.

137. Given that the creation of large numbers of new rights could undermine the enjoyment of human rights, the text should not have been based on prescriptive solutions but rather on a practical approach acknowledging that the implementation of the right to drinking water and sanitation was as much a development issue as a human rights issue. Furthermore, it should have focused on the root causes of the slow progress in the area of sanitation, which could be attributed to challenges such as a lack of incentives and the insufficient availability of water.

138. The international community must understand that addressing the issues of drinking water and sanitation in separate silos would hinder progress on both. It should prioritize the implementation of Sustainable Development Goal 6 and the development of new, innovative and sustainable projects with a combined focus on water and sanitation. For its part, his Government was implementing a programme aimed at eliminating open defecation and making rural India clean and sanitary by 2019.

139. His delegation had reservations concerning the human rights-based approach to implementing development programmes related to the rights to safe drinking water and sanitation referred to in paragraph 10 of the draft resolution. Member States had not reached any agreement concerning the implications of such an approach. The approach taken should be comprehensive and recognize the right to development.

140. **Ms. Brooke** (United States of America) said that her Government recognized the importance of meeting basic needs for water and sanitation in order to support health, economic development, peace and security and had made access to safe water and sanitation a priority in its development assistance efforts. The international community should refer to the statement made by her Government to the plenary meeting of the General Assembly on 27 July 2011 and the explanations of the United States position on Human Rights Council resolutions 21/2, 24/18 and 27/27 to understand its position on drinking water and sanitation. Furthermore, the United States had joined the consensus on the understanding that the draft resolution did not alter the current state of conventional or customary international law.

141. While it recognized that efforts to promote access to sanitation and water could involve distinct approaches, the United States understood the references in the draft resolution to water and sanitation to refer to the human right to safe drinking water and sanitation derived from the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights. Furthermore, since water resource management was a technical function distinct from international human rights law, paragraph 18 of the draft resolution should not be understood to create any international legal obligations.

142. The United States, which was not a party to the Covenant, had joined the consensus on the understanding that the draft resolution did not imply that States must implement obligations under human rights instruments to which they were not a party. It also understood the nineteenth preambular paragraph to be consistent with the aforementioned Human Rights Council resolutions, which noted that transboundary water issues fell outside the scope of the human right to safe drinking water and sanitation.

143. Moreover, while the United States agreed that safe water and sanitation were critically important, it did not accept all of the analyses and conclusions contained in the reports of the Special Rapporteur of the Human Rights Council on the human right to safe drinking water and sanitation referred to in the text.

144. Lastly, the United States dissociated itself from the consensus on paragraph 2 on the grounds that the language used to define the right to water and sanitation was based on the views of the Committee on Economic, Social and Cultural Rights and the Special Rapporteur only and did not appear in any international agreement or reflect any international consensus.

145. **Mr. Shadiev** (Uzbekistan) said that his delegation supported the draft resolution but wished to reiterate that Uzbekistan had not participated in the process of approval of General Assembly resolution 65/154 on the International Year of Water Cooperation and continued to disassociate itself from that resolution.

146. **Mr. González Serafini** (Argentina) said that States were responsible for ensuring the right to water, which was fundamental to guarantee the right to life and ensure an adequate standard of living. For that reason, Argentina had joined the consensus on the draft resolution; however, his Government maintained that States should guarantee the right to water and sanitation

for all individuals within their jurisdiction. In that connection, he affirmed his delegation's commitment to General Assembly resolution 1803 (XVII) on permanent sovereignty over natural resources.

147. **Ms. Pritchard** (Canada) said that Canada was pleased to join consensus on the draft resolution and affirmed her Government's recognition of the human right to safe drinking water and sanitation as essential to the right to an adequate standard of living, and therefore implicit under article 11 of the International Covenant on Economic, Social and Cultural Rights.

148. Canada interpreted the right to safe drinking water and sanitation as the right to a sufficient and safe quantity of reasonably affordable and accessible water for personal domestic use, personal and household sanitation, and to basic sanitation that was both safe and hygienic. Water and sanitation services should be physically and economically accessible on an equal and non-discriminatory basis. The right to safe drinking water and sanitation did not encompass transboundary water issues such as bulk water trade, or international development assistance.

149. Canada would continue its efforts toward the progressive realization domestically of the right to safe drinking water and basic sanitation through national and subnational action, with particular emphasis on vulnerable individuals.

150. **Mr. Uğurluoğlu** (Turkey) said that his delegation welcomed the adoption of the draft resolution, as access to safe drinking water and sanitation had a fundamental role to play in the achievement of the Sustainable Development Goals. The rights to safe drinking water and sanitation should be progressively realized with full respect for the sovereignty of States. His delegation called for Member States to set out the basis, scope and content of the rights, which were missing from the draft resolution. He concluded by highlighting that issues related to transboundary waters and international watercourse law were beyond the intended scope of the draft resolution.

Agenda item 107: International drug control (*continued*) (A/C.3/70/L.10/Rev.1)

Draft resolution A/C.3/70/L.10/Rev.1: International cooperation against the world drug problem

151. **The Chair** said that the draft resolution contained no programme budget implications.

152. **Mr. Ríos Sánchez** (Mexico) said that the draft resolution now included references to the 2030 Agenda and the role of various United Nations bodies. It also emphasized the importance of addressing the negative social consequences of the world drug problem and incorporating a gender perspective. The text also called on all relevant stakeholders to participate in the special session of the General Assembly on the world drug problem in April 2016 at the highest and widest possible level and reaffirmed the decisions adopted at the recommendation of the Commission on Narcotic Drugs.

153. Some of the changes introduced to the text by the Secretariat diverged from the language that had been agreed during the negotiations or taken from existing United Nations documents. In that connection, he read out a number of oral revisions to the text. In paragraph 13, the word "goal" should be replaced by the word "target". In paragraph 16, "to promote" should be changed to "on promoting", "provide" to "providing" and "build" to "building". The word "stresses" should be deleted from paragraph 25. In paragraph 34, the phrase "alternative preventive development" should be amended to read "preventive alternative development". In paragraph 65, "to ensure the widest possible participation in the preparatory process of the Commission on Narcotic Drugs for the special session and in the special session, and at the highest possible level" should be amended to read "to participate in the Commission of Narcotic Drugs preparations and at the special session at the highest and widest possible level." In paragraph 66, the word "properly" should be inserted before the words "taking into account".

154. **Mr. Khane** (Secretary of the Committee) said that Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, the Central African Republic, Côte d'Ivoire, Croatia, Cyprus, Ecuador, France, Germany, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Luxembourg, Malawi, Malaysia, Mali, Monaco, Montenegro, Myanmar, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Panama, the Philippines, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Spain, Suriname, Thailand, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors.

155. *Draft resolution A/C.3/70/L.10/Rev.1, as orally revised, was adopted.*

156. **Ms. Mukhametzyanova** (Russian Federation) said that her delegation noted the significance of the adoption of the draft resolution, which was particularly relevant ahead of the special session of the General Assembly on the world drug problem in 2016. The special session would be an important step towards a full-scale review in 2019 of the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. Preparations for the special session must continue in a spirit of common and shared responsibility, applying the integrated and balanced approach to the drug problem developed by the Commission on Narcotic Drugs — the key body within the United Nations system dealing with drug-related matters based on the United Nations drug control conventions.

157. Although her delegation, in a spirit of compromise, had joined the consensus on the draft resolution, it was seriously concerned by the introduction of a new paragraph welcoming Human Rights Council resolution 28/28. Guided by the provisions of the relevant United Nations conventions, her delegation did not regard the Human Rights Council as an integral component of the international drug control system entrusted with any institutional role. In contrast, the Commission on Narcotic Drugs, which served as a body for international cooperation and operated in full compliance with international law, including in the area of human rights, had sufficient capacity to fully take into account all aspects applicable to drug control, including human rights. At the same time, as shown by the panel discussion held in Geneva pursuant to Human Rights Council resolution 28/28, the full and good faith implementation of that resolution, which referred to "a constructive and inclusive dialogue", had de facto been undermined. Her delegation therefore did not believe that it was justifiable to welcome Human Rights Council resolution 28/28 in the draft resolution. It also disagreed with the working methods employed by the facilitators of the negotiations on the draft resolution, noting that their efforts had been insufficient to ensure an objective, mutually respectful approach that took into account the views of all delegations.

158. *Mr. Dempsey (Canada), Vice-Chair, took the Chair.*

159. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the report of the Commission on Narcotic Drugs on the progress made in preparation for the special session of the General Assembly on the world drug problem to be held in 2016 (A/70/87-E/2015/79).

160. *It was so decided.*

The meeting rose at 6.50 p.m.

United Nations A/C.3/70/SR.56

General Assembly
Seventieth session

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Third Committee

Summary record of the 56th meeting
Held at Headquarters, New York, on Wednesday, 25 November 2015, at 10 a.m.

Chair: Mr. Dempsey (Vice-Chair) ..... (Canada)

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In the absence of Mr. Hilale (Morocco), Chair, Mr. Dempsey (Canada), Vice-Chair, took the Chair.

The meeting was called to order at 10.30 a.m.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/70/L.46/Rev.1, A/C.3/70/L.69, A/C.3/70/L.70, A/C.3/70/L.71, A/C.3/70/L.72, A/C.3/70/L.73, A/C.3/70/L.74, A/C.3/70/L.75, A/C.3/70/L.76, A/C.3/70/L.77, A/C.3/70/L.78, A/C.3/70/L.79, A/C.3/70/L.80, A/C.3/70/L.81, A/C.3/70/L.82, A/C.3/70/L.83, A/C.3/70/L.84, A/C.3/70/L.85, A/C.3/70/L.86, A/C.3/70/L.87, A/C.3/70/L.88, A/C.3/70/L.89, A/C.3/70/L.90, A/C.3/70/L.91, A/C.3/70/L.92, A/C.3/70/L.93, A/C.3/70/L.94, A/C.3/70/L.95, A/C.3/70/L.96, A/C.3/70/L.97, A/C.3/70/L.98, A/C.3/70/L.99, A/C.3/70/L.100, A/C.3/70/L.101, A/C.3/70/L.102, A/C.3/70/L.103, A/C.3/70/L.104, A/C.3/70/L.105, A/C.3/70/L.106 and A/C.3/70/L.107)

Draft resolution A/C.3/70/L.46/Rev.1: Recognizing the role of human rights defenders and the need for their protection

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Sjøberg** (Norway) said that the General Assembly had, at previous sessions, expressed grave concerns about threats and acts of intimidation against human rights defenders. In that context, the international community must send a clear message in support of the important and legitimate role of human rights defenders in the promotion and human rights, democracy and the rule of law. Governments must ensure that all citizens, including human rights defenders, were able to enjoy their right to non-discrimination. National policies and laws should not impede the exercise of human rights but rather establish a safe and enabling environment for the work of human rights defenders.

3. He read out a number of oral revisions that had been made to the text in response to the proposed amendments contained in documents A/C.3/70/L.69 to A/C.3/70/L.107. To address draft amendment A/C.3/70/L.69, the title of the draft resolution should be changed to "Human Rights Defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms". To address draft amendment A/C.3/70/L.70, the worlds "full and appropriate" should be deleted from the sixth preambular paragraph. To address draft amendment A/C.3/70/L.71, the phrase "relevant provisions of international human rights law" in the tenth preambular paragraph should be amended to read "the obligations and commitments of States under international human rights law". To address draft amendment A/C.3/70/L.72, the phrase "legislation to hinder or limit" in the fourteenth preambular paragraph should be replaced by the phrase "legislation which hinders or limits". To address draft amendment A/C.3/70/L.73, the fifteenth preambular paragraph should be amended by inserting the words "allegations and" before the word "communications", replacing the words "documenting the" with the words "of a" and deleting the word "deplorable".

4. To address draft amendment A/C.3/70/L.74, the phrase "that human rights defenders are subject to attacks" in the sixteenth preambular paragraph should be replaced by "about incidents of human rights defenders being subjected to attacks". To address draft amendment A/C.3/70/L.75, the seventeenth preambular paragraph should be amended by deleting the words "recognize and", and by inserting the phrase "the obligations and commitments of States under" before the words "international human rights law". To address draft amendment A/C.3/70/L.76, the word "determined" should be replaced by the word "recognizing" in the eighteenth preambular paragraph and, in the same paragraph, the phrase "the obligations and commitments of States under" should be inserted before words "international human rights law". To address draft amendment A/C.3/70/L.77, the phrase "including in the context of promoting the implementation of the 2030 Agenda for Sustainable Development" should be deleted from the twentieth preambular paragraph.

5. To address draft amendment A/C.3/70/L.80, the phrase "takes note with appreciation of the reports" in paragraph 3 should be replaced by "takes note of the report A/70/217". To address draft amendment A/C.3/70/L.81, paragraph 4 should be amended by inserting the words "individuals, groups and organs of

society, including" after the words "role of", deleting the words "unequivocally and", and inserting the phrase "underlining that such practices can never be justified" at the end of the paragraph. To address draft amendment A/C.3/70/L.82, the words "killing and thus silencing of human rights defenders" in paragraph 5 should be replaced by "and killing of any individuals, including human rights defenders". To address draft amendment A/C.3/70/L.83, the phrase "individuals and groups" in paragraph 6 should be replaced by the words "individuals, groups and organs of society". To address draft amendment A/C.3/70/L.84, the words "and promote" should be inserted after the word "respect" in paragraph 7.

6. To address draft amendment A/C.3/70/L.85, the words "*Calls upon* States to take concrete steps to prevent and put an end to arbitrary arrest and detention of human rights defenders, and in this regard" should be inserted at the beginning of paragraph 8. That paragraph should be further amended by inserting the words "the obligations and commitments of States under" after the words "in violation of" and by deleting the phrase "and demands that States take concrete and definitive steps to prevent and put an end to the practice of the arbitrary arrest and detention of human rights defenders". To address draft amendment A/C.3/70/L.86, the world "defence" should replace the word "realization" in the chapeau of paragraph 10. To address draft amendment A/C.3/70/L.87, the words "the obligations and commitments of States under" should be inserted before the words "international human rights law" in paragraph 10 (a). To address draft amendment A/C.3/70/L.88, the words "relevant provisions of international human rights law" in paragraph 10 (b) should be replaced by the words "the obligations and commitments of States under international human rights law". To address draft amendment A/C.3/70/L.89, paragraph 10 (c) should be amended by replacing the phrase "hinder the work and safety of" with the phrase "jeopardize the safety of or arbitrarily hinder the work of" and by inserting the phrase "while clearly identifying which offences qualify as terrorist acts by defining transparent and foreseeable criteria" after the words "defending human rights".

7. To address draft amendment A/C.3/70/L.90, the words "and that such national provisions" in paragraph 10 (d) should be replaced by "with national legislation". To address draft amendment A/C.3/70/L.91, the words "avoid the use of" in paragraph 10 (e) should be replaced by the word "eliminate". To address draft amendment A/C.3/70/L.92, paragraph 10 (f) should be amended by deleting the phrase "including on grave violations of human rights," inserting the phrase "such as evidence of serious violations of human rights" after the words "withheld from the public" and replacing the words "action-oriented" with the word "expedient". To address draft amendment A/C.3/70/L.93, the words "threats against" in paragraph 10 (h) should be replaced by the word "intimidate".

8. To address draft amendment A/C.3/70/L.79, a new paragraph 10 bis should be inserted with the following text: "*Recognizes* that, 'in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society'." To address draft amendment A/C.3/70/L.94, the phrase "comprehensive and sustainable public policies and programmes" in paragraph 11 should be amended to read "sustainable public policies or programmes" and, in the same paragraph, the phrase "including their family members, associates and legal representatives" should be replaced by "in a comprehensive manner".

9. To address draft amendment A/C.3/70/L.95, paragraph 14 should be amended by deleting the phrase "renounce firmly all discrimination and violence, underlining that such practices can never be justified on any grounds", the substance of which was contained in paragraph 4, and replacing it with the phrase "ensure that legislation does not target activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs". To address draft amendment A/C.3/70/L.96, the words "*Calls upon* all States to take due note of" in paragraph 16 should be replaced by the words "*Takes note of*". To address draft amendment A/C.3/70/L.97, the word "some" should be deleted from paragraph 17. To address draft amendment A/C.3/70/L.99, the words "Fulfil the duty to end impunity for any such" in paragraph 18 (b) should be replaced by "End impunity for".

10. To address draft amendment A/C.3/70/L.100, the word "measures" should be deleted from paragraph 18 (c). To address draft amendment A/C.3/70/L.101, the phrase "guidelines and mechanisms for their protection" in paragraph 19 should be amended to read "measures for their protection, inter alia, by". To address draft amendment A/C.3/70/L.102, the phrase "important role of human rights defenders, including women human rights defenders, and the legitimacy of their work, and to condemn publicly any cases of violence and discrimination against human rights defenders, including women human rights defenders" in paragraph 20 should be amended to read "important and legitimate role of human rights defenders in society, including women human rights defenders, and, in any cases of violence and discrimination against them, to take a clear stance in rejection of such practices".

11. To address draft amendment A/C.3/70/L.103, paragraph 21 should be amended by replacing the phrase "business enterprises" with the phrase "all business enterprises, both transnational and others", deleting the words "life, liberty and security of person, and their exercise of their rights to" and inserting the phrase "and underlines the importance of accountability, including of all business enterprises, both transnational and others, and including their provision of, or cooperation in, remediation" at the end of the paragraph. To address draft amendment A/C.3/70/L.104, a new paragraph 22 supra should be inserted with the following text: "*Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations", and the words "and their legal representatives, associates and family members" in paragraph 22 should be replaced by the words "in a comprehensive manner".

12. To address draft amendment A/C.3/70/L.105, paragraph 23 should be amended by inserting the phrase "within their respective mandates" after the words "special procedures", the word "technical" before the word "assistance" and the phrase "the obligations and commitments of States under" before the words "international human rights law". To address draft amendment A/C.3/70/L.106, the phrase "its call upon States with respect to responding favourably" in paragraph 26 should be amended to read "its call upon States to give favourable consideration". Lastly, to address draft amendment A/C.3/70/L.107, paragraph 27 should be amended by replacing the words "his activities" with the words "his or her activities", replacing the words "his mandate" with "the mandate", inserting the phrase "and *invites* the Special Rapporteur to take into account progress on the present resolution in his or her reporting" at the end of the paragraph and deleting paragraph 28 in its entirety.

13. **Mr. Fawundu** (Sierra Leone), speaking as the main sponsor of the draft amendments on behalf of the Group of African States, withdrew the proposed amendments to draft resolution A/C.3/70/L.46/Rev.1.

14. **Mr. Khane** (Secretary of the Committee) said that Andorra, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Italy, Latvia, Liberia, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Morocco, Netherlands, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors.

15. **Mr. Clyne** (New Zealand), speaking also on behalf of Australia, Canada, Iceland, Liechtenstein and Switzerland, said that the work of human rights defenders was vital to the promotion and respect of human rights and democratic processes, the establishment and maintenance of peace and security and the implementation of the 2030 Agenda for Sustainable Development. Those delegations were deeply concerned that, despite the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, the situation of human rights defenders was seriously deteriorating in law in and in practice in many countries. States must fully implement the resolution in order to address the challenges faced by human rights defenders and to demonstrate the value that the international community placed on their courageous and constructive work.

16. It was regrettable that a large number of amendments to the draft resolution had been proposed despite extensive informal negotiations and the presentation of a revised draft that had addressed many of the concerns expressed. The Committee should consider how it could conduct its work in a more constructive and productive manner in future. It was deeply regrettable that certain delegations had determined not to support the important work of human rights defenders and the fundamental principle that they should not be subject to violent intimidation and attacks.

17. It was unfortunate that certain elements that would have further set out the responsibilities of States towards human rights defenders had been removed from the final version of the draft resolution. However, the text contained important new elements, including the references to the family members, associates and legal representatives of human rights defenders, the clear condemnation of all acts of intimidation and reprisal, the paragraph on the registration and funding of civil society organizations and the call for States to put an end to arbitrary arrest and detention of human rights defenders. Upholding human rights was intrinsic to the obligations of sovereignty.

18. **Mr. Ruidíaz Perez** (Chile) said that Chile continued to promote and defend the contribution of civil society and to underscore the duty of States to promote the creation and maintenance, in law and in practice, of a safe and enabling environment for civil society. The report of the Special Rapporteur on the situation of human rights defenders (A/70/217) had confirmed that threats against human rights defenders and reprisals against those cooperating with the United Nations or regional mechanisms were increasing. That situation was compounded by social and media indifference and the impunity often enjoyed by perpetrators.

19. The draft resolution rightly encouraged all States, non-State actors and leaders in all sectors of society to reject violence and discrimination against human rights defenders, with a view to raising awareness of the unacceptability of such practices. It also called on States to repeal legislation that was discriminatory or unduly hindered the work of human rights defenders; ensure respect for the right to freedom of expression, peaceful assembly and association; and release persons detained or imprisoned in violation of the human rights obligations of States. For those reasons, his delegation strongly supported the draft resolution.

20. **Mr. Sjøberg** (Norway) said that while Governments may not always agree with the views of human rights defenders, the ability of the latter to work in safety and without fear of retaliation was an essential element in building and maintaining sustainable, open and democratic societies. Human rights defenders faced particular threats and thus had a particular need for protection. The draft resolution did not create new rights or privileges for human rights defenders but rather provided the means to ensure that they were able to enjoy the same rights as the rest of society. Delegations that abstained from voting on the current draft resolution would be viewed as failing to recognize the role of human rights defenders and the need for their protection.

21. **Ms. Cedeño Rengifo** (Panama), speaking also on behalf of Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Paraguay, Peru and Uruguay, said that it was of the utmost importance that States should recognize and protect human rights defenders who, along with their family members, were often subject to reprisals, defamation or smear campaigns and attempts on their lives. States had a duty to create a safe and enabling environment for human rights defenders to carry out their work with dignity and in full enjoyment of their rights. She therefore urged States to enable full respect for human rights and fundamental freedoms by voting in favour of the draft resolution.

22. **Mr. Yao Shaojun** (China) said that his Government was committed to the promotion and protection of human rights, provided that actions in that regard did not violate national law. However, the draft resolution was problematic, as the term "human rights defender" had no universally agreed definition. Furthermore, all persons were entitled to the same human rights and fundamental freedoms. The statements by the main sponsor had clearly demonstrated that it was attempting to impose its view that so-called human rights defenders should be considered to have special rights or legal status upon other Member States.

23. Governments bore the primary responsibility for the promotion and protection of the human rights of their peoples, which could only be achieved by ensuring domestic peace and social stability. No one should be allowed to break the law, endanger the interests of the majority of the population and disrupt public order while claiming protection as a human

rights defender. As explicitly stated in the International Covenant on Civil and Political Rights, the exercise of certain rights was subject to certain restrictions as provided by law and as necessary to ensure respect for the rights or reputations of others and for the protection of national security, public order, public health or public morals. The only way to truly promote and protect human rights was through reasonable legislation and strict law enforcement: any violation of national law was a violation of the will and rights of the majority of the people and should therefore be sanctioned under the law.

24. His delegation had participated actively in the informal negotiations on the draft resolution and had proposed a number of amendments. While the main sponsor had made a symbolic gesture in response, the key elements of the Chinese proposals had not been accepted. Moreover, in recent years certain Western countries had pursued their own citizens for attempting to promote and protect human rights, driving some of them to seek asylum in other countries, while simultaneously citing the need to protect so-called human rights defenders as an excuse for destabilizing and interfering in the internal affairs of developing countries. China was concerned that the adoption of the draft resolution in its current form would further entrench the application of double standards and harm developing countries. For those reasons, China had no choice but to vote against the draft resolution.

25. **Ms. Mozolina** (Russian Federation) said that the Russian Federation attached great importance to the protection and promotion of human rights and was convinced that the subject of the rights and responsibilities of individuals and groups working in the sphere of human rights should be on the agenda of the Third Committee. Unfortunately, the authors of the draft resolution had not taken into account the majority of the proposed amendments that would have made the text more balanced. Furthermore, the negotiations had not been transparent and had only properly begun in recent days and nights with individual States and groups of countries rather than through open consultations. Such working methods on a resolution were not acceptable within the General Assembly.

26. Work on the text had been made difficult by the fact that there was no notion of human rights defenders in international law. Her delegation was alarmed by the authors' attempt to selectively and arbitrarily select language from the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and make human rights defenders a separate category of individuals, granting them special collective rights and demanding separate protection measures for them. By dividing people into individual groups that supposedly required different levels of protection and even had different rights and freedoms, international human rights law could be undermined and weakened. Her delegation could not agree with such an approach to the issue of human rights defenders.

27. **Ms. Smaila** (Nigeria) said that Governments had the primary responsibility for defending human rights; all other actors must play secondary, complementary or supporting roles. The resolution made human rights actors and Governments antagonistic to each other, which was inimical to all the substantive human rights instruments which relied heavily on Governments as first responders to and primary defenders of human rights. The international community should be wary of creating artificial dissension and dichotomy between civil society and Governments.

28. Her country had consented to the creation of independent human rights commissions that had the right to exercise unrestrained monitoring and reporting and operate an ombudsman system at the national level. It therefore saw little or no need for the draft resolution. If a draft resolution of that nature was to be considered in the near future, those positions must be recognized in the text. A draft resolution that sought to replace Governments as the primary defenders of human rights and substitute them with other entities could not in principle be adopted by consensus. The 1999 Constitution of Nigeria guaranteed the role of the State in promoting and enhancing human rights, while other actors could play complementary or supportive roles. Nigeria would vote against the resolution, because it created agents that were over and above the laws of States.

29. **Mr. Khane** (Secretary of the Committee) said that the draft resolution, as orally revised, had no programme budget implications.

30. *At the request of the delegations of China and the Russian Federation, a recorded vote was taken on draft resolution A/C.3/70/L.46/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nepal, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Burundi, China, Democratic People's Republic of Korea, Iran (Islamic Republic of), Kenya, Myanmar, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Zimbabwe.

Abstaining:

Algeria, Angola, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Eritrea, Fiji, Iraq, Kazakhstan, Kuwait, Lao People's Democratic Republic, Mali, Mauritania, Mozambique, Namibia, Nicaragua, Niger, Oman, Qatar, Swaziland, Tajikistan, Togo, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen.

31. *Draft resolution A/C.3/70/L46/Rev.1, as orally revised, was adopted by 117 votes to 14, with 40 abstentions.*

32. **Mr. Joshi** (India) said that India, as a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, had undertaken an obligation at the international level to protect civil and political rights and progressively realize economic, social and cultural rights. The fundamental legal rights guaranteed by the Indian Constitution and relevant laws were equally available and applicable to all, including human rights defenders. India was of the view that the adoption of the resolution did not necessitate a new and separate domestic legal regime to protect human rights defenders. There was already a sufficient legislative and institutional framework in place in India that was available to all persons, including those that defended human rights.

33. **Mr. Elbahi** (Sudan) said that his Government was making every effort to protect and strengthen human rights for all its citizens without any exception for any individual or group, in order to fulfil its relevant international and regional commitments, as well as its national legislation on human rights. Although his delegation commended the efforts made to make the draft resolution more balanced, further work on the text was required in order to reflect the interests of all delegations and some of the concepts needed clarification, which was why his delegation had been obliged to vote against it.

34. **Mr. Nguyen Duy Thanh** (Viet Nam) said that Viet Nam shared the view that all individuals, groups and organs of society had a role to play in protecting and promoting universally recognized human rights, with States having the primary responsibility. However, his delegation had expressed concerns about the incorporation into the draft resolution of a number of unclear concepts that were still under discussion and had yet to enjoy common understanding among Member States, including the concept of so-called human rights defenders, and, as such, might be misinterpreted and misused. The lack of balance between the rights and obligations of so-called human rights defenders was another cause of concern. Although some of the proposed amendments had been accommodated by the

sponsor, his delegation's main concerns remained and it had thus abstained from the voting.

35. **Mr. Maes** (Luxembourg), speaking on behalf of the European Union, said that the European Union did not seek additional or special rights for human rights defenders. Equally, human rights defenders were not and must not be subject to additional responsibilities. It was the primary responsibility of States to protect all human rights and fundamental freedoms and States clearly had a responsibility under international human rights law to protect human rights defenders from violations and abuses. The European Union urged all States to create and maintain in law and practice a safe and enabling environment for human rights defenders. Some national laws were clearly inconsistent with international human rights law, which was not acceptable. Human rights defenders must be able to operate freely, with access to funding and resources, in order to carry out their important and legitimate work.

36. **Ms. Brooke** (United States of America) said that the United States welcomed the fact that the draft resolution addressed the threats faced by family members, friends, colleagues, legal representatives and supporters, and other associates of human rights defenders, who were far too commonly targeted with the same violence and discrimination as the defenders themselves.

37. States needed to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders and their associates were promptly brought to justice through impartial investigations. It was also the responsibility of States to provide an enabling environment for human rights defenders and civil society. States must fully implement their human rights obligations, including those relating to non-discrimination, to be able to meet the responsibility to prevent threats, harassment and violence, including gender-based violence, against human rights defenders. The United Nations must act to prevent reprisals against human rights defenders who brought their concerns before United Nations mechanisms. Legislation on registration and funding of civil society organizations must be transparent, non-discriminatory, expeditious and inexpensive, and allow for the possibility to appeal. Any relevant national legislation must comply with international human rights law.

38. The United States had longstanding and well-known concerns about the term "right to development", including the way it was used in paragraph 21. The right to development did not have an internationally agreed meaning. Paragraph 10 bis directly quoted article 17 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and, as such, did not create any new legal obligations.

39. **The Chair**, in accordance with General Assembly decision 55/488, proposed that the Committee should take note of, under sub-item (a) of agenda item 72, the report of the Committee against Torture (A/70/44), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/70/223), the report of the Committee on the Rights of Persons with Disabilities (A/70/55), the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/70/48), the report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/70/299), the note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/70/273), the note by the Secretary General transmitting the annual report of the Chairs of the human rights treat bodies (A/70/302) and the note by the Secretary-General transmitting the eighth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/70/425); under sub-item (b), the report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/70/258), the report of the Secretary-General on the follow-up to the International Year of Human Rights Learning (A/70/166), the report of the Committee on Enforced Disappearances (A/70/56), the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/70/216), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/70/217), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/70/310), the note by the

Secretary-General transmitting the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/70/275), the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/70/270), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (A/70/342), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/70/438), the note by the Secretary-General transmitting the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/70/304), the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/70/263), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/70/213), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/70/361), the note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights (A/70/274), the note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/70/260), the note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/70/266), the note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/70/279 and A/70/279/Corr.1), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/70/371), the note by the Secretary-General transmitting the report of the Independent Expert on human rights and international solidarity (A/70/316), the note by the Secretary-General on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/70/345) and the note by the Secretariat on the report of the Secretary-General on the right to development (A/70/111); and, under sub-item (c), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/70/392) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Belarus (A/70/313).

40. *It was so decided.*

Agenda item 120: Revitalization of the work of the General Assembly (A/C.3/70/L.110)

Draft proposal A/C.3/70/L.110

41. **The Chair** drew attention to the Committee's tentative programme of work for the seventy-first session of the General Assembly as contained in document A/C.3/70/L.110. He took it that the Committee wished to adopt the tentative programme of work for the seventy-first session and transmit it to the General Assembly for approval.

42. *It was so decided.*

Conclusion of the work of the Committee

43. **The Chair** declared that the Third Committee had completed its work for the main part of the seventieth session of the General Assembly.

The meeting rose at 12.10 p.m.